

B. In the Claims:

Please amend claims 9, 18, 20 and 21 as indicated below. Upon entry of the present amendment, the status of the claims will be as follows:

1. (Original) A substantially pure Mcl-1 gene regulatory element, comprising a sequence of at least about twenty contiguous nucleotides of a nucleotide sequence set forth as nucleotides 1495 to 1657 of SEQ ID NO: 1.

2. (Original) The Mcl-1 gene regulatory element of claim 1, comprising nucleotides 1513 to 1564 of SEQ ID NO: 1.

3. (Original) The Mcl-1 gene regulatory element of claim 1, comprising a nucleotide sequence selected from the group consisting of:

nucleotides 1495 to 1550 of SEQ ID NO: 1;  
nucleotides 1495 to 1564 of SEQ ID NO: 1;  
nucleotides 1495 to 1606 of SEQ ID NO: 1;  
nucleotides 1513 to 1550 of SEQ ID NO: 1;  
nucleotides 1513 to 1564 of SEQ ID NO: 1; and  
nucleotides 1513 to 1606 of SEQ ID NO: 1.

4. (Original) The Mcl-1 gene regulatory element of claim 1, comprising a nucleotide sequence selected from the group consisting of:

nucleotides 1550 to 1657 of SEQ ID NO: 1; and  
nucleotides 1606 to 1657 of SEQ ID NO: 1.

5. (Original) The Mcl-1 gene regulatory element of claim 1, comprising nucleotides 1495 to 1657 of SEQ ID NO: 1.

6. (Original) A vector, comprising the Mcl-1 gene regulatory element of claim 1.

7. (Original) The vector of claim 6, which is an expression vector.
8. (Original) The vector of claim 6, further comprising a heterologous nucleic acid molecule operatively linked to said Mcl-1 gene regulatory element.
9. (Currently amended) **[[A]]** An isolated host cell containing the vector of claim 6.
10. (Previously presented) A substantially pure nucleic acid molecule encoding an Mcl-1 polypeptide, the nucleic acid molecule comprising nucleotides 1727 to 3884 of SEQ ID NO: 1; or a nucleic acid molecule complementary thereto.
11. (Original) The nucleic acid molecule of claim 10, comprising nucleotides 1657 to 3884 of SEQ ID NO: 1.
12. (Original) The nucleic acid molecule of claim 10, comprising nucleotides 1495 to 3884 of SEQ ID NO: 1.
13. (Original) The nucleic acid molecule of claim 10, comprising nucleotides 1 to 8253 of SEQ ID NO: 1.
14. (Original) A substantially pure polynucleotide encoding the Mcl-1s/ $\Delta$ TM amino acid sequence as set forth in SEQ ID NO: 3; or a polynucleotide complementary thereto.
15. (Original) The polynucleotide of claim 14, comprising nucleotides 1727 to 2414 of SEQ ID NO: 1 operatively linked to nucleotides 3768 to 3884 of SEQ ID NO: 1.
16. (Original) A vector comprising the polynucleotide of claim 14.

17. (Original) The vector of claim 16, which is an expression vector.
18. (Currently amended) ~~[[A]]~~ An isolated host cell, which contains the vector of claim 16.
19. (Original) The polynucleotide of claim 14, which is a polyribonucleotide.
20. (Currently amended) A substantially pure oligonucleotide, comprising at least ten nucleotides that hybridize specifically to a nucleotide sequence of SEQ ID NO: 1 selected from the group consisting of:
- a nucleotide sequence comprising nucleotide position 2414 of SEQ ID NO: 1;
  - a nucleotide sequence comprising nucleotide position 2766 of SEQ ID NO: 1;
  - a nucleotide sequence comprising nucleotide position 3013 of SEQ ID NO: 1; and
  - a nucleotide sequence comprising nucleotide position 3786 of SEQ ID NO: 1,
- wherein at least three nucleotides of said ~~polynucleotide~~ oligonucleotide hybridize to a nucleotide sequence of SEQ ID NO:1 that is 5' and contiguous to said nucleotide position, and
- wherein at least three nucleotides of said ~~polynucleotide~~ oligonucleotide hybridize to a nucleotide sequence of SEQ ID NO:1 that is 3' and contiguous to said nucleotide position;
- or an oligonucleotide a polynucleotide complementary thereto to said substantially pure oligonucleotide, wherein said polynucleotide comprises at least ten nucleotides.
21. (Currently amended) A substantially pure oligonucleotide, comprising at least ten nucleotides that hybridize specifically to a nucleotide sequence of SEQ ID NO: 1 comprising nucleotides 2412 to 2414 of SEQ ID NO: 1 operatively linked and contiguous to nucleotides 3768 to 3770 of SEQ ID NO: 1; or an oligonucleotide a polynucleotide complementary thereto to said substantially pure oligonucleotide, wherein said polynucleotide comprises at least ten nucleotides.